

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
CHARLOTTE BENNETT,

Plaintiff,

-v-

ANDREW M. CUOMO, MELISSA DEROSA, JILL
DESROSIERS, and JUDITH MOGUL,

Defendants.

CIVIL ACTION NO.: 22 Civ. 7846 (VSB) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the telephone conference held today, January 4, 2024 (the “Conference”), regarding Defendant Andrew Cuomo’s requests to compel compliance with (i) subpoenas he served on non-party Lindsey Boylan (“Ms. Boylan”) for the production of documents (the “Boylan Document Subpoena”) and for a deposition (the “Boylan Deposition Subpoena”), and (ii) a subpoena he served on non-party the New York State Office of the Attorney General (“OAG”) for the production of documents (the “OAG Subpoena”), the Court orders as follows:

1. With respect to the Boylan Document Subpoena, the Court finds that:
 - a. Requests 1 and 17 (the “Requests”), limited to the period from December 2020 through September 14, 2022, seek discovery that is relevant and proportional to the needs of this case. See Fed. R. Civ. P. 26(b)(1). Accordingly, Ms. Boylan must conduct a reasonable search for, and produce any documents responsive to, the Requests for the period from December 2020 through September 14, 2022. The parties shall promptly meet and confer to agree on search terms for Ms. Boylan’s collection of documents in her possession, custody, or control that are potentially responsive to the Requests. By **January 24, 2024 at**

5:00 pm, Mr. Cuomo, Defendant Melissa DeRosa, and Ms. Boylan shall file a joint letter reporting on the status of their ability to agree on the search terms.

- b. At this time, Mr. Cuomo has not established that Requests 2–16, 18, and 19 seek discovery that is relevant and proportional to the needs of this case.

Accordingly, Ms. Boylan is not required to respond to these requests.

2. The Court defers ruling on the parties’ dispute regarding the Boylan Deposition Subpoena pending Ms. Boylan’s compliance with the Boylan Document Subpoena as set forth above.
3. A telephone conference is scheduled for **Monday, January 29, 2024 at 2:00 pm** on the Court’s conference line (the “Jan. 29 Conference”). The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time.
4. Any party seeking to raise an issue ripe for the Court’s attention—i.e., a discovery issue about which the parties have already met and conferred pursuant to the Court’s Individual Practices—at the Jan. 29 Conference must file a letter, no longer than three (3) pages, setting forth their request no later than **January 24, 2024 at 5:00 pm**.
5. The Court defers ruling on the dispute regarding the OAG Subpoena pending further discussion at the January 29 conference.
6. The parties shall promptly order a transcript of the Conference and ensure that it is filed on the docket.

Dated: New York, New York
January 4, 2024

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge